United Nations CRC/C/OPSC/USA/3-4

Convention on the Rights of the Child

Distr.: General
15 September 2016

Original: English
English, French and Spanish only

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2016

United States of America*

[Date received: 22 January 2016]

* The present document is being issued without formal editing.

GE.16-15945(E)

1615945

Please recycle

I. Introduction

1. The United States of America welcomes this opportunity to submit its Combined Third and Fourth Periodic Report to the Committee on the Rights of the Child (Committee) on measures giving effect to its obligations under the Optional Protocols to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC), and on the Sale of Children, Child Prostitution and Child Pornography (OPSC), and on other information of interest to the Committee.[1] The Report consolidates information on both Protocols, in accordance with the Committee's guidelines, and places particular emphasis on developments since the prior U.S. reports of 2010. The selection and order of the content generally follows that of the Committee's June 26 and July 2, 2013, Concluding Observations (Observations), UN Docs. CRC/C/OPAC/USA/CO/2 and CRC/C/OPSC/USA/CO/2. A table of contents appears in the Contents Annex.

2. This Report draws on the expertise of the U.S. Departments of State (DOS), Defense (DoD), Justice (DOJ), Homeland Security (DHS), Health and Human Services (HHS), Labor (DOL), and Education (ED), as well as the U.S. Agency for International Development (USAID) and the Equal Employment Opportunity Commission (EEOC). The United States held a civil society consultation concerning this Report with nongovernmental organizations (NGOs) on November 12, 2015, and intends to hold further consultations prior to its Committee presentation.

A. Optional protocol on the sale of children, child prostitution, and child pornography

1. General Observations

3. The United States is committed to effective domestic implementation of its OPSC obligations, and has been active in promoting the OPSC's goals since its Second Periodic Report, UN Doc. CRC/C/OPSC/USA/2. Among many other actions, the United States has developed and moved forward to implement its *National Strategy for Child Exploitation Prevention and Interdiction* (National Strategy) and a new *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, 2013-2017* (Federal Strategic Action Plan). These and many other developments are discussed below.

4. On **Observation 4**, see CRC/C/OPAC/USA/3-4, paragraph 11.

2. Data

5. The United States recognizes the importance of an effective national data collection system related to sale of children, child prostitution, and child pornography. The United States is assessing the possibilities for development of unified data collection tools, although establishment of a unified national data collection system would involve challenges because law enforcement and victim service responsibilities are shared by federal, state, and local authorities who use many different data systems.

6. Data collection systems currently exist. Several DOJ components collect and publish data, including the Federal Bureau of Investigation (FBI), which runs the National Uniform Crime Reporting Program, and the Office of Justice Programs, which includes the Bureau of Justice Statistics and the National Criminal Justice Reference Service. DOJ's Office for

[1] This Report will be posted at http://www.state.gov/g/drl/hr/treaties.

Victims of Crime (OVC) Training and Technical Assistance Center developed the Trafficking Information Management System, which is designed to assist OVC Human Trafficking Program grantees in gathering, recording, analyzing, and reporting data. This system can serve as a case-management tool to track client information on human trafficking victims. Data is also gathered by the interagency Human Smuggling and Trafficking Center (HSTC); the Internet Crimes Against Children (ICAC) Task Force Program; HHS; DHS; agencies within the 50 states and the several territories; and others. See, e.g., www.fbi.gov/about-us/cjis/ucr/human-trafficking. Many statistics are presented in the *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons* for FY 2014 (Attorney General's Trafficking Report), www.justice.gov/ag/file/799436/download. Data are also collected by the National Human Trafficking Resource Center (NHTRC), operated by Polaris, and nongovernmental organizations (NGOs) such as the National Center for Missing and Exploited Children (NCMEC).

7. Regarding **Observation 8(ab)**, the National Strategy concluded that U.S. law enforcement should have advanced tools to detect offenders, including development of a national database, because it would allow greater case coordination and sharing of information available to federal, state, local, and international law enforcement. The Strategy, available at www.justice.gov/psc/docs/natstrategyreport.pdf, also contains a review of relevant research on exploitation of children, (see Appendices C, D, E, and F, in particular, for a synthesis of major studies). The Federal Strategic Action Plan also recognizes that a strong baseline understanding of the prevalence of human trafficking in the United States and the needs of the victims (including children) is necessary, and that improved and expanded data collection will assist in creating standardized data on these issues. Objective 3 of the Plan is to establish baseline knowledge of human trafficking and victim service needs through vigorous research and reporting, and the Plan sets out specific targets and timelines for data collection, development of new collection mechanisms, and the carrying out and publication of research studies, see OPSC Annex 1, at pp. 51-53; and the Federal Strategic Action Plan status report for FY 2013-2014, available at www.ovc.ncjrs.gov/humantrafficking/plan.html. Coordination is to be undertaken through the Senior Policy Operating Group and its Research and Data Committee, in conjunction with DOJ, HHS, EEOC, the National Academy of Sciences, and numerous other governmental and private entities. Thus, substantial efforts are underway to synthesize studies that have been done, to authorize and fund new research, to improve internal data collection mechanisms, and to ensure coordination and sharing of available data. For example, HHS is integrating human trafficking questions into existing data collection mechanisms and, in 2015, began piloting an initiative to develop standards for collection of data on human trafficking and identify strategies for interoperability informed by the National Information Exchange Model.

8. In recent years, the United States has taken several steps toward a national data collection system in some areas. In 2011, the DOJ Office of Juvenile Justice and Delinquency Prevention (OJJDP) supported the development of an Internet Crimes Against Children Data System (IDS) and the provision of training and technical assistance to the ICAC Task Forces and their federal law enforcement partners on the use of the system. Launched in December 2014, the IDS allows credentialed users, including federal, state, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation, to contribute and access data for use in resolving case conflicts. When fully implemented, IDS will also allow real-time analysis of data to facilitate identification of targets and to assist in estimating the size of the law enforcement effort to address these crimes. HHS integrated questions on commercial sexual exploitation and forced labor into its Runaway and Homeless Youth Management Information System. HHS is also working with state child welfare agencies to implement the Preventing Sex Trafficking and

Strengthening Families Act of 2014 (described further in Section C(3)(a)), which includes provisions related to state data collection on child sex trafficking. The Justice for Victims of Trafficking Act (JVTA) of 2015 also includes several provisions to strengthen federal data collection and research on human trafficking.

9. The United States continues to collaborate with NGOs and academic entities on research into the causes of crimes affecting children and on the extent and impact of protection measures and programs covering sexual as well as labor exploitation and other situations affecting children, including poverty and marginalization. In 2014, HHS convened a national meeting of key stakeholders to discuss the feasibility of a national human trafficking victim service count informed by similar efforts in the domestic violence and youth homelessness fields. The national survey would count the number of victims receiving services across multiple health and human service systems. In 2015, HHS launched a multi-year initiative to standardize human trafficking data collection, including efforts to collect information on demographics of victim populations, risk factors, needs and gaps in victim services, and cost of care. DOJ's National Institute of Justice has sponsored work on the prevalence of human trafficking and on how best to serve the needs of child victims, such as studies of safe harbor laws. Federal officials also engage in extensive training to ensure consistency of use in definitions of offenses by legislators, service providers, health care professionals, and law enforcement officials at all levels of government, and by the general public.

3. General Measures of Implementation

a) Legislation and Monitoring

10. Legislation. The legal and policy framework through which the United States gives effect to its undertakings has been strengthened by the addition of several new laws (reprinted in OPSC Annex 2), strategies, and plans since submission of the Second Periodic Report:

- The Intercountry Adoption Universal Accreditation Act of 2012 (UAA), P.L. 112-276 (January 14, 2013), which extends the safeguards provided by accreditation and approval of adoption service providers to the adoption of orphans, as defined under INA § 101(b)(1)(F), from countries that are not party to the May 29, 1993, Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention). This ensures ongoing monitoring and oversight of such organizations to verify compliance with federal standards and hold accredited providers accountable for failure to comply with standards, regardless of whether the case falls under the Hague Adoption Convention or under the United States' non-Convention adoption process.
- The Violence Against Women Reauthorization Act of 2013, P.L. 113-4, §§ 1201-1264 (March 7, 2013), which contains provisions designed to prevent and reduce violence; combat trafficking, including through interagency coordination, expanded reporting, and enhancement of state and local anti-trafficking efforts; and protect and assist victims. The Act also addresses violence against women in Indian Country,[2] providing tribes with tools to prevent and enforce laws against such violence. Changes include adding combating sex trafficking as a subject of grants to Indian tribal governments. In addition, the Act authorizes appointment of child

[2] "Indian Country" means all land within the limits of any Indian reservation under U.S. government jurisdiction, all dependent Indian communities within U.S. borders, and all allotments, the Indian titles to which have not been extinguished. See 18 U.S.C. § 1151 (containing additional stipulations).

advocates at immigration detention sites to advocate for trafficking victims and vulnerable unaccompanied children.[3]

- The Preventing Sex Trafficking and Strengthening Families Act of 2014, P.L. 113-183 (Sept. 29, 2014), which requires foster care and adoption agencies to develop policies and procedures to identify, document, and determine appropriate services to any child or youth within the agency's care (and certain other children and youth) who are at risk of being or are victims of sex trafficking. It also establishes a National Advisory Committee on the Sex Trafficking of Children and Youth in the United States to advise the Secretary of HHS and the Attorney General on policies for improving the nation's response to the sex trafficking of children and youth. As a result of this Act, child welfare agencies at all levels are building capacity to improve identification, screening, and service provision for trafficking victims; and to improve accurate reporting of trafficking victims and children missing from foster care.

- The JVTA of 2015, P.L. 114-22 (May 29, 2015), which establishes a fund for services to human trafficking victims and strengthens law enforcement tools for prosecution of human trafficking offenses. The Act contemplates collaboration between law enforcement, social services, emergency responders, children's advocacy courts, victim service providers, and nonprofit organizations to provide a comprehensive approach to fighting trafficking and serving victims. It also establishes the United States Advisory Council on Human Trafficking to provide advice to the Senior Policy Operating Group (SPOG) and the President's Interagency Task Force to Monitor and Combat Trafficking in Persons.

- The National Strategy, available at www.justice.gov/psc/docs/natstrategyreport.pdf. This strategy leverages assets across the federal government in a coordinated manner to prevent child sexual exploitation. The second National Strategy will be published in 2016.

- The Federal Strategic Action Plan, available at www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf. This Plan sets out four goals (align efforts, improve understanding, expand access to services, and improve outcomes) and eight objectives to achieve those goals: (1) provide federal leadership and direction to improve victim services at all levels, including state and local; (2) coordinate services effectively through collaboration across multiple service sectors and at all governmental levels; (3) establish baseline knowledge of human trafficking and victim service needs through rigorous research and reporting; (4) support the development of effective responses to human trafficking victims' needs; (5) increase victim identification through coordinated public outreach and awareness efforts; (6) build capacity to better identify and serve victims through targeted training and technical assistance; (7) foster collaborations and partnerships to enhance the community response to human trafficking; and (8) improve access to victim services by removing systemic barriers. Further, it sets forth a timetable, with specific actions and timeframes to achieve the objectives; see OPSC Annex 1. A status report covering actions in FY 2013 and 2014 was released in 2015, www.ovc.gov/pubs/FY_13_14_Status_Report.pdf.

[3] In this Report, "unaccompanied children" refers to noncitizens in the United States who are under 18 years of age, lack lawful immigration status in the United States, and do not have a parent or legal guardian in the United States who is available to provide care and physical custody. See 6 U.S.C. § 279(g)(2).

- The 2013 DOJ-funded report, *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, which outlines guiding principles for understanding and responding to commercial sexual exploitation and sex trafficking of minors, http://iom.nationalacademies.org/Reports/2013/Confronting-Commercial-Sexual-Exploitation-and-Sex-Trafficking-of-Minors-in-the-United-States.aspx.
- The 2012 *Action Plan on Children in Adversity: A Framework for International Assistance: 2012-2017*, developed by USAID, the Department of Agriculture, DoD, HHS, DOL, DOS, and the Peace Corps to establish a whole-of-government approach for international assistance to protect children in adversity, including children who have been trafficked, exploited for child labor, unlawfully recruited or used as soldiers, neglected, or are otherwise vulnerable, www.usaid.gov/children-in-adversity.
- 2013 HHS guidance, including *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States*, www.acf.hhs.gov/programs/cb/resource/human-trafficking-guidance; and *Recognizing and Responding to Human Trafficking among American Indian, Alaska Native and Pacific Islander Communities* in 2015, www.acf.hhs.gov/sites/default/files/ana/ana_human_trafficking_im_2015_01_29.pdf.
- 2012 updates to the *National Plan to Prevent the Sexual Abuse and Exploitation of Children*, prepared by the National Coalition to Prevent Child Sexual Abuse and Exploitation, www.preventtogether.org/Resources/Documents/NationalPlan2012FINAL.pdf. The National Coalition, made up of more than 30 organizations and issue experts, was initiated and is supported in part by the NCMEC.

11. Regarding **Observations 8(c)** and **10(a)-(b)** concerning definitions and the scope and extent of U.S. laws, prior to becoming a party to the OPSC, the United States carefully reviewed its laws and determined that they were sufficient to allow effective implementation of its OPSC obligations, as outlined in its reservations and understandings, which remain in effect. The United States generally relies on definitions in the OPSC and other relevant international instruments that represent international obligations agreed to by the United States.

12. Due to our federal system, the U.S. federal government cannot effect changes directly in state criminal laws, although it can and does encourage harmonization efforts. Federal laws and corresponding protections for victims generally extend to those under age 18, see, e.g., 18 U.S.C. §1591 (sex trafficking); 18 U.S.C. §§ 2421-2423 and 2425 (transportation, coercion and enticement, transportation of minors, and use of interstate facilities to transmit information about a minor); 18 U.S.C. §§ 2251-2260 (child pornography); 18 U.S.C. § 3509 (special protections for minors); 18 U.S.C. § 3771 (rights and protections for federal crime victims); and Federal Rule of Evidence 412 (protections for victims of sexual assault). Many state laws similarly extend protection to those under 18. States are strengthening their laws, and an increasing number of states (38 as of 2015) have now put in place Child Advocacy Offices and/or ombudspersons. DOJ/OVC funds a state demonstration initiative, called Vision 21: Linking Systems of Care for Children and Youth, http://ojp.gov/ovc/grants/pdftxt/FY14_V21_LinkingSystemsofCare.pdf, with concurrent evaluation supported through the National Institute of Justice. This initiative aims to ensure that every child entering relevant systems at any governmental level is assessed for victimization (including exploitation and trafficking), that children and their families are provided comprehensive and coordinated services that fully address their needs, and that practices and policies are established to sustain this approach in the long term. HHS's Children's Bureau funds the State Court Improvement Program (CIP), which provides federal funds to state child welfare agencies and tribes for preventive services and services to families at risk or in crisis. Typical activities include development of mediation

programs, joint agency-court training, linked agency-court data systems, one judge/one family models, improved representation for children and families, and legislative changes. In 2015, CIP activities included child sex trafficking training related to the implementation of the Preventing Sex Trafficking and Strengthening Families Act of 2014.

13. Monitoring. Regarding monitoring (**Observation 12**), see CRC/C/OPAC/USA/3-4, paragraph 13.

b) National Plan of Action

14. Regarding **Observation 14(a)-(b),** the United States adopted the Federal Strategic Action Plan on January 14, 2014, www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf. As noted in Section C(3)(a), this Plan sets specific goals and objectives, and includes actions and timetables to achieve its goals and objectives, see OPSC Annex 1. A status report covering actions in FY 2013 and 2014 was released in 2015, www.ovc.gov/pubs/FY_13_14_Status_Report.pdf.

15. The 2010 National Strategy provided the first-ever comprehensive threat assessment of the dangers facing children from child pornography, online enticement, child sex tourism, and commercial sexual exploitation, and outlined a blueprint to strengthen the fight against these crimes, www.justice.gov/psc/docs/natstrategyreport.pdf. It established specific, aggressive goals and priorities and provided for cooperation and collaboration at all levels of government and the private sector.

16. Federal authorities actively work with officials at all levels to inform them of U.S. OPSC obligations and to promote state and local planning that complements and is consistent with federal plans and appropriately implements domestic law and international obligations. As noted at paragraph 93, the federal government has developed two model state laws on human trafficking offenses and prostitution to encourage appropriate changes to state laws.

c) Coordination and Evaluation

17. Regarding **Observation 16**, the National Coordinator for Child Exploitation Prevention and Interdiction in the DOJ Office of the Deputy Attorney General has the authority and resources necessary to discharge the responsibility for coordination on matters regarding child sexual exploitation and for effective monitoring and evaluation of the National Strategy and related plans of action, policies, and programs. The National Coordinator serves as liaison with federal agencies in implementing the National Strategy to ensure coordination among agencies involved in child exploitation prevention and interdiction.

18. Regarding the U.S. government's development of proactive coordination and communication policies on matters related to the OPSC more generally, authority for coordination and evaluation rests, at the highest levels, in the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, and the SPOG. Under the overall policy direction of that group, more specific coordination efforts are carried out by SPOG committees, which are co-chaired by DOJ, HHS, DHS, DOL, USAID, the Office of Management and Budget, and DOS; the Anti-Trafficking Coordination Teams; the Coordinating Council on Juvenile Justice and Delinquency Prevention; the Federal Agency Task Force on Missing and Exploited Children; the Federal Enforcement Working Group; the HSTC (a collaboration of DOS, DOJ, and DHS); the Innocence Lost Working Group; the ICAC Task Forces; the Human Trafficking Reporting System (operated in connection with Northeastern University); the Trafficking Information Management System; and the National Strategy Working Group.

19. Federal officials regularly communicate with state, local, tribal, and territorial authorities to promote knowledge and understanding of the OPSC and action by those entities. In December 2012, the White House hosted a meeting with the National Conference of State Legislatures (NCSL) specifically focused on human trafficking. At this meeting, the Administration discussed the Federal Strategic Action Plan, President Obama's 2012 Executive Order on Strengthening Protections Against Trafficking in Persons in Federal Contracts, E.O. 13627, and training and outreach efforts. NCSL members suggested ways the federal government could support their efforts, including enhanced coordination between state and federal levels. As noted in paragraph 34 of CRC/C/OPAC/USA/3-4 and in 144 and 147 of the Common Core Document, as updated, the DOS Legal Adviser's Office corresponds periodically, most recently in April 2015, with state governors and tribal and territorial authorities to inform them of OPSC and OPAC responsibilities and obtain input for reports to the Committee. Federal officials in other departments, such as HHS, DHS, and DOL, consistently work with their counterparts at state, local, tribal, and territorial levels to coordinate planning and enforcement efforts. For example, in 2014 and 2015, the HHS Administration for Children and Families (ACF) discussed human trafficking in regional and national tribal consultations and listening sessions. In 2015, ACF established the Office on Trafficking in Persons to further agency-wide coordination and collaboration on anti-trafficking activities with federal, state, and local partners. Since 2006, the FBI's Innocence Lost National Initiative (ILNI) has supported an annual nationwide strategy entitled Operation Cross Country through a coordinated effort with local, state, and federal partners. Since ILNI's inception in 2003, the FBI's Child Exploitation Task Forces have made approximately 30,000 arrests and recovered close to 5,000 youth in an effort to combat sex trafficking. Federal, state, and other authorities also work regularly and closely with civil society.

d) Dissemination and Awareness-Raising

20. Federal authorities work aggressively to raise awareness of matters covered by the OPSC, see **Observations 18(a)-(b)**. Descriptions of such activities are found in the Attorney General's Trafficking Report, www.justice.gov/ag/file/799436/download, and throughout this report, with a few examples noted here. DOS periodically contacts states, tribes, and territories to increase awareness of OPSC and other human rights obligations. The provisions of the OPSC are also widely available to the public online and through publications. The HSTC produces and disseminates fact sheets on general issues and on the risk of trafficking at specific events. U.S. Attorneys' Offices work with private sector entities, such as hotels and airlines, and with community groups, faith-based organizations, victim advocacy groups, academic organizations, medical professionals, and legal aid offices to increase awareness. DHS and the U.S. Department of Transportation (DOT) have partnered with Amtrak to raise awareness among railway personnel. In recent years, ICAC Task Forces dedicated to preventing online enticement of children by sexual predators have conducted more than 48,000 outreach presentations on Internet safety to more than five million youth, parents, educators, law enforcement officials, and others. HHS furthers awareness on a wide variety of issues through multiple programs, training, and technical assistance resource centers, including through its 10 regional offices, and it has recently partnered with ED and others to pilot a youth social media campaign.

21. As the unified voice for DHS's efforts to combat human trafficking, the Blue Campaign offers training to law enforcement, DHS personnel, the U.S. government acquisition workforce, the general public, domestic and foreign partners, and frontline (e.g., airline) personnel to increase detection and investigation of human trafficking, protect victims, and bring suspected traffickers to justice. Since July 2010, the Blue Campaign has formed 14 formal partnerships, trained more than 60,000 persons, and hosted or supported more than 100 congressional engagements. As of July 2015, the Blue Campaign's TV

Public Service Announcement, aimed at educating and encouraging the public to report trafficking, had aired nearly 47,000 times in 42 states on 176 local stations and one cable station. Its radio announcement had aired nearly 9,500 times in 38 states on 139 local stations. DHS/ICE, Homeland Security Investigations (HSI), also routinely provides outreach and training to law enforcement, NGOs, and the public domestically and internationally through its domestic and overseas offices. In addition, a DHS U.S. Customs and Border Protection (CBP) campaign works to inform migrants of the dangers of human trafficking.

22. In 2015, ED published *Human Trafficking in America's Schools*, https://safesupportivelearning.ed.gov/human-trafficking-americas-schools, providing up-to-date information for schools on how to address and respond to human trafficking. ED also partnered with DHS to develop *Human Trafficking 101 for School Administrators and Staff*, a resource for schools that defines human trafficking and provides recommendations for action. In addition, ED partnered with HHS and an NGO on #WhatIWouldMiss, a social media campaign to raise awareness among teenagers about human trafficking. ED works with stakeholders and other federal agencies to develop and disseminate resource material, and provides resources to (1) inform school leaders, staff, and students about the problem of trafficking; (2) help schools understand how it relates to teaching and learning and why it is an important issue for schools to address; and (3) help ensure that school security and police have needed information and resources.

23. EEOC has worked with numerous anti-trafficking groups on labor-related trafficking, including development of new partnerships with organizations that deal with human trafficking issues, such as the South Texas Coalition Against Human Trafficking, the Michigan Human Trafficking Taskforce, the Los Angeles Metro Human Trafficking Task Force, the Thai Community Development Center, the Human Trafficking Focus Group of Catholic Charities in Arkansas, the New York City Anti-Human Trafficking Taskforce, and the Philadelphia Anti-Trafficking Coalition. EEOC continuously works to develop new relationships with community-based organizations that deal with human trafficking issues. DOS has collaborated with business partners, such as Carlson and Sabre Holdings, to raise human trafficking awareness through their national conferences and events. The NHTRC serves as a resource for anti-trafficking information, educational materials, promising practices, specialized tools, and online trainings. Section C(7) discusses international outreach.

e) Training

24. With respect to **Observation 20**, the United States provides training in all areas related to the OPSC, including, *inter alia*, child sexual exploitation, child sex tourism, adoption, child trafficking, research and use of data systems, and victim assistance and services, and in the treatment of unaccompanied children. Such training is provided to a wide variety of persons and institutions that come into contact with children, including, *inter alia*, judges, prosecutors, police, immigration officials, members of the military, social welfare personnel and agencies, medical personnel, educators, religious and community leaders, adoption organizations, NGOs, and many others in the United States and abroad. Training programs in the areas covered by the OPSC are described throughout this Report. The discussion below contains a few examples highlighting the breadth and variety of training.

25. Through its Child Exploitation and Obscenity Section (CEOS), DOJ provides training and outreach to personnel working to address child sexual exploitation. For example, from 2011 to 2015, CEOS designed and conducted nine trainings on child sexual exploitation held at the National Advocacy Center, attended by over 600 federal prosecutors. Topics included interviewing child sex abuse victims, computer forensic issues

in child sexual exploitation cases, sentencing, handling cases involving child prostitution, and investigation and prosecution of child pornography cases. DOJ trial attorneys and digital investigative analysts have also traveled the world training prosecutors, law enforcement officials, judges, and NGOs on topics concerning the investigation and prosecution of child pornography and child sex tourism offenses. Since 2012, such trainings have been held in Belgium, Brazil, Canada, Denmark, the Dominican Republic, England, France, Kosovo, Mexico, the Netherlands, Oman, Peru, the Philippines, Russia, Switzerland, and Vietnam, among others. From 2012 to 2015, CEOS personnel met with over 30 international delegations in Washington, D.C., to provide information about DOJ's efforts to address federal child pornography offenses. CEOS personnel have supported trainings throughout the United States, and CEOS also provides written guidance in the form of quarterly newsletters, a case digest, and an intranet site. In addition, in June 2015, DOJ hosted a National Law Enforcement Training on Child Exploitation for more than 1,100 investigators, agents, prosecutors, victim advocates, and community outreach specialists from across the country. The training featured instruction on investigative techniques, courtroom advocacy, digital forensics, behavioral profiling, victim advocacy, and community outreach.

26. In September 2012, DHS, DOJ, and DOL held an Advanced Human Trafficking Training course for federal Anti-Trafficking Coordination Teams at the Federal Law Enforcement Training Center. The course trained federal prosecutors, investigators, and victim specialists to address complex issues involved in human trafficking investigations, such as using investigations proactively to search for and identify victims; assistance resources for identified victims; and utilizing the federal immigration relief options available to victims. In 2014, DOJ and DHS adapted this course for federal, state, and local human trafficking task force partners and presented it at the Federal Law Enforcement Training Center.

27. In FY 2014, DOJ's Civil Rights Division, Human Trafficking Prosecution Unit, presented multiple capacity-building programs in several Mexican cities to over 300 Mexican governmental and nongovernmental partners on best practices in human trafficking case identification, victim assistance, investigation, prosecution, and international cooperation. Similarly, during the same time period, FBI Victim Specialists conducted more than 430 training sessions on human trafficking and domestic minor sex trafficking to more than 20,300 individuals, including law enforcement officials, service providers and NGOs, educators and students at colleges and universities, medical providers, and the general public. The FBI's Civil Rights Unit and special agents investigating human trafficking from the FBI's 56 field offices also conducted approximately 700 training sessions for over 33,000 individuals, and the FBI's Civil Rights Unit provided additional iterations of a two-week-long advanced human trafficking training at the FBI Academy for Central and South American law enforcement officers. DOJ/OJJDP convened a Trafficking in Persons Symposium to examine child sex and labor trafficking in the United States, and its Missing and Exploited Children and Amber Alert Programs provided training and technical assistance to over 7,000 individuals, including law enforcement officials, prosecutors, and service providers. During FY 2014, DOJ Bureau of Justice Assistance task forces reported provision of anti-trafficking awareness training to more than 50,000 individuals.

28. DHS has expanded the reach of its web-based training for state and local law enforcement and, working with DOS, produced an online training module for the federal workforce. DHS Federal Law Enforcement Training Centers trained over 1,700 officers through State and Local Law Enforcement Training Symposiums and also trained 900 subject experts, officers, and civilians. DHS U.S. Citizenship and Immigration Services (USCIS) trained federal, state, and local law enforcement officers, NGOs, immigration advocates, attorneys, and judges throughout the country, and its Asylum Division also

trained new asylum officers on making unaccompanied children determinations and detecting trafficking. DHS/ICE regularly delivers anti-trafficking training to foreign law enforcement, prosecutors, judges, and NGOs. This in-person training is designed to enhance prosecution, protection, and prevention efforts in combating human trafficking more effectively. Additionally, Victim Assistance Specialists, located throughout field offices, held 1,087 events within their respective areas of responsibility providing outreach training to over 21,000 participants from state and local law enforcement and NGOs. During FY 2015, ICE personnel met with representatives from more than 30 international delegations in Washington, D.C., focusing on victim identification, forced child labor, and protection and assistance to trafficking and child exploitation victims.

29. Other agencies are also heavily involved in training a variety of recipients. For example, trafficking in persons awareness training is now mandatory for all DoD personnel, and DoD has developed benchmarks to assess this program. In FY 2013, HHS's Office of Refugee Resettlement (ORR) expanded training opportunities throughout the country, including 112 trainings, 72 phone consultations, and nine intensive onsite consultations covering a total audience of 9,084 persons (including federal and state government officials, health and child welfare professionals, community groups, faith-based organizations, educators, students, and businesses), plus eight online trainings and publication of 12 monthly newsletters to its listserv of 13,644 members. HHS/ACF also conducted trainings through webinars, an E-Learning site, and more than 50 state domestic violence coalitions and centers. The August 2012 issue of *Children Bureau's Express* featured an article about training workers to recognize human trafficking. In 2015, ED made presentations on trafficking in schools to the United Federation of Teachers, the School Social Work Association of America, the American Federation of Teachers, and others. ED uses two active technical assistance centers to post information about trafficking: Safe Supportive Learning (http://safesupportivelearning.ed.gov/) and Readiness and Emergency Management for Schools (http://rems.ed.gov/K12SchoolClimateAndEmerg.aspx). In FY 2015, EEOC trained approximately 579 persons on immigration-related issues, including the availability of U and T immigration status to trafficking victims. It held 234 outreach events dealing with trafficking, reaching 16,940 people, including outreach and distribution of information at events such as the Migrant Seasonal Farm Worker Monitor Advocate Conference, National Association of State Directors of Migrant Education's Migrant Education Conference, and Farm Labor Contractor Coordinator Annual Conference. USAID also developed a field guide to educate USAID Mission personnel and partners about human trafficking, and integrated combating trafficking into its mandatory employee training program. Programs for teachers and educators are described below in the discussion of Observation 24. DOT launched human trafficking awareness training for its 55,000 employees. For a further description of training, see the Attorney General's Trafficking Report, www.justice.gov/ag/file/799436/download.

f) Allocation of Resources

30. Regarding **Observation 22**, OPSC Annex 3 sets forth funds obligated in FY 2014 for programs related to human trafficking, including research, data collection, training, outreach, prevention, investigation, prosecution, and victim services regarding trafficking, child sexual exploitation, forced child labor, child sexual abuse, online sex trade, prostitution, and related matters, both within the United States and abroad.

4. Prevention of the Sale of Children, Child Prostitution, and Child Pornography

a) Prevention

31. Regarding **Observation 24(a)**, reduction of demand is a key component in addressing issues such as child prostitution and pornography. In their outreach and awareness-raising activities, government agencies promote understanding of social norms and perceptions in order to change attitudes and behavior. For example, as part of the National Strategy, DOJ committed to work closely with ED and HHS to develop comprehensive strategies to combat the glorification of pimps and prostitution often found in popular culture.

32. **24(b), (d)**. As noted in paragraph 9, federal authorities are collaborating with NGOs and academic entities on research into root causes of activities related to the OPSC, including research aimed at assessments of particularly vulnerable populations. HHS's Family and Youth Services Bureau (FYSB) funds the National Clearinghouse on Families & Youth, which includes links to research on child pornography, prostitution, and other forms of exploitation under the Library section. HHS's Children's Bureau has funded a Capacity Building Center that will provide technical assistance to states on trafficking, including prevention for at-risk populations such as children and youth involved in the welfare system. HHS's *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States* deals with at-risk populations, noting that boys are under-recognized as victims of sex trafficking, and that LGBT youth can be up to five times more likely than heterosexual youth to be trafficking victims. An HHS-funded report, *Human Services for Low-Income and At-Risk LGBT Populations: The Knowledge Base and Research Needs*, found that LGBT youth may experience barriers to social service access related to insufficient provider expertise in serving LGBT youth, lack of LGBT-specific resources, and discrimination. Other studies have found that LGBT youth are disproportionately represented in runaway and homeless youth programs and child welfare systems. In a 2012 survey of 354 runaway and homeless youth agencies, approximately 40% of programs reported that their clients identified as LGBT and 42% of those clients had a history of sexual exploitation. Another HHS-funded analysis of more than 650 street youth from around the country, *Street Outreach Program Data Collection Project—Executive Summary*, www.acf.hhs.gov/sites/default/files/fysb/fysb_sop_summary_final.pdf, noted similar findings. Nearly 37% of respondents identified as LGBT and 60% reported some form of victimization, including sexual assault or being beaten or robbed. HHS/FYSB is working to develop a blueprint of LGBT-focused services for runaway and homeless youth to build capacity to better serve their specific needs. When complete in 2016, the project will provide a systematic review of existing literature; develop a comprehensive needs assessment of LGBT youth; and identify and analyze screening and assessment tools, existing and emerging practices and interventions, and trainings for service providers. The HHS publication, *Recommended Actions to Improve the Health and Well-Being of Lesbian, Gay, Bisexual, and Transgender Communities*, outlines steps HHS is taking to address service gaps, including actions to continue to address discrimination, harassment, and violence against all individuals, including LGBT individuals, through domestic violence and other violence prevention programs. Furthermore, from 2014 through 2016, HHS, DOJ, ED, and the U.S. Interagency Council on Homelessness are participating in a U.S. Department of Housing and Urban Development-led interagency LGBT Homeless Youth Prevention Initiative in Harris County, Texas, and Hamilton County, Ohio, working with school district homeless liaisons and runaway and homeless youth assistance providers to prevent LGBT youth homelessness in their communities, www.hudexchange.info/resources/documents/LGBTQ-Youth-Homelessness-Prevention-Initiative-Overview.pdf.

33. The 2014 TIP Report, www.state.gov/j/tip/rls/tiprpt/2014, highlighted the impact of human trafficking on indigenous peoples worldwide. In 2015, HHS's Administration for

Native Americans (ANA) issued an Information Memorandum on Recognizing and Responding to Human Trafficking among American Indian, Alaska Native, and Pacific Islander Communities, and in 2014, ANA participated in several human trafficking listening sessions hosted by HHS and other federal agencies to learn about human trafficking in both urban areas and reservations and Native communities. In 2014, the SPOG Public Awareness and Outreach Committee initiated a cross-agency effort to coordinate, collaborate, and elevate outreach and services for American Indian and Alaska Native communities affected by human trafficking. For example, HHS piloted training on human trafficking for healthcare providers in North Dakota, supported a community-based organization working with Native American youth at high risk for commercial sexual exploitation in Minnesota, and supported comprehensive services to human trafficking victims, including Native American youth, in North Dakota and Montana.

34. **24(c)**. The 2013 Violence Against Women Reauthorization Act, including Title XII, entitled Trafficking Victims Protection, helps strengthen efforts to combat gender-based violence, exploitation, and trafficking.

35. **24(e)**. ED, working with other departments, actively promotes and supports school-based prevention and early intervention. For example, ED's School Climate Transformation Grants provide resources to (1) inform school leaders, staff, and students about trafficking; (2) help school communities understand why it is an important issue for them to address; and (3) make sample protocols available to school community members. In 2015, ED published and disseminated a guide for educators and school staff about human trafficking indicators of and how to address and prevent child exploitation, safesupportivelearning.ed.gov/human-trafficking-americas-schools. In 2012, ED published *Human Trafficking of Children in the United States: A Fact Sheet for Schools*, www2.ed.gov/about/offices/list/oese/oshs/factsheet.html, which describes human trafficking, how it affects schools, how to identify potential victims, and how to help and report incidents of trafficking. NCMEC and the Boys and Girls Clubs of America also provide extensive resources for school children on Internet safety through www.netsmartz.org/netteens.htm for teenage children and www.netsmartzkids.org/indexFL.htm for younger children. In addition, in 2015, HHS held the first in a series of regional forums to discuss human trafficking as a public health priority, including identifying opportunities to strengthen prevention, early intervention, and demand-focused efforts.

36. **24(f)**. In January 2014, DOJ/OVC held a Human Trafficking Survivor Forum and Listening Session in Washington, D.C., to hear from survivors on effective, strategic, and meaningful ways to incorporate survivors' voices and perspectives in technical assistance, training, and outreach; programming for survivors; and research and evaluation. Nineteen survivors, a number of whom were children at the time of their exploitation, participated with over 30 federal agency listeners. The Forum launched a platform for sustained engagement and dialogue between U.S. government authorities and survivors that will be important in maintaining and improving the victim-centered approach, which ensures that victims are heard. HHS included survivor leaders and their perspectives in a technical working group developing training on human trafficking for health care providers, a national convening to inform human trafficking data collection, and a youth advisory council to develop a child trafficking screening tool. The Survivors of Human Trafficking Empowerment Act, § 115 of the 2015 JVTA, establishes an Advisory Council on Human Trafficking, composed of trafficking survivors. In December 2015, President Obama appointed 11 survivors to the Council, www.whitehouse.gov/the-press-office/2015/12/16/president-obama-announces-more-key-administration-posts. The Council gives survivors a formal role in providing input and making federal anti-trafficking policy recommendations to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons and the SPOG. In January 2016, the Council held its first meeting and attended a meeting of the President's Interagency Task Force.

b) Economic Exploitation

37. Regarding **Observations 26(a)** and **(c)**, the United States acts aggressively to prevent and enforce laws prohibiting use of children in forced labor, see 18 U.S.C. §1589 (prohibiting forced labor), 18 U.S.C. §1590 (making it unlawful to recruit, harbor, transport, or broker persons for labor or services under conditions that violate any of the offenses contained in 18 U.S.C. §1589), and 18 U.S.C. §1307 (making unlawful the importation of goods made, *inter alia*, with forced or indentured child labor). DOL actively works to combat child labor, forced labor, and human trafficking through research, policy engagement, technical cooperation, and provision of grant funding.

38. Domestically, DOL's Wage and Hour Division (WHD) aggressively investigates unlawful labor practices. Although WHD does not have a specific budget line for child labor enforcement, it has strategically prioritized its efforts to rigorously enforce the child labor provisions of the Fair Labor Standards Act (FLSA). Each year, in every investigation the agency conducts, WHD determines whether covered employers are in compliance with the child labor provisions of the FLSA. These investigations occur across a variety of sectors where vulnerable workers, including children, are likely to be employed, including agriculture. Every investigation by WHD investigators includes looking for child labor violations. Child labor complaints, although not numerous, are given the highest priority within the agency. WHD takes particularly great care in its enforcement efforts in the agricultural industry.

39. Regarding laws concerning farm labor in the United States (**Observations 26(b), (d)-(f)**), protecting children from labor that is unsafe, unhealthy, or detrimental to their education and general well-being is a priority and a shared responsibility among the U.S. federal and state governments. The child agricultural labor provisions of the FLSA are designed to protect young workers by limiting the types of jobs they can perform and the periods of time they may work. The provisions governing child labor in agriculture cover youth under the age of 16. Fourteen- and 15-year-olds may work outside of school hours in any agricultural occupation except those declared hazardous by the Secretary of Labor. Twelve- and 13-year-olds may work in agriculture only in non-hazardous occupations, outside of school hours, if they meet certain statutory requirements. Eleven hazardous farm jobs, as determined by the Secretary of Labor, are prohibited for young workers below the age of 16, www.dol.gov/whd/regs/compliance/childlabor102.htm. Prohibition of agricultural employment in hazardous occupations does not apply to children employed on farms owned or operated by their parent(s) or persons standing in place of the parent(s).

40. The FLSA sets different standards for youth working in agricultural and nonagricultural employment. Regarding nonagricultural employment, federal law permits 16- and 17-year-olds to be employed for unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor. Several states restrict the number of hours and times of day that this age group may be employed in nonagricultural settings. Seventeen nonfarm jobs determined to be hazardous by the Secretary of Labor are prohibited for young workers below the age of 18, www.dol.gov/whd/regs/compliance/childlabor101.htm. Fourteen- and 15-year-olds may work in nonagricultural employment outside of school hours, but the number of hours worked and time of day are curtailed, and 14- and 15-year-olds may work only in a limited number of occupations that the Secretary of Labor has determined to be permissible for that age group, www.dol.gov/whd/regs/compliance/childlabor101.htm.

41. Fourteen is generally the minimum age for employment under the FLSA. However, some jobs, such as newspaper delivery, are statutorily exempted from the child labor rules and may be performed by those under 14 years of age. The federal child labor provisions also do not apply to 16- and 17-year-olds employed by their parents or persons standing in place of their parents in occupations other than those declared hazardous by the Secretary

of Labor, and children under 16 years of age employed by their parents in occupations other than manufacturing or mining, or occupations declared hazardous by the Secretary of Labor.

42. DOL collects data on youth in the workforce, disaggregated by gender, race, and ethnicity. See, e.g., http://www.bls.gov/news.release/archives/youth_08182015.htm.

43. **26(g)**. Regarding the Committee's Recommendation concerning ILO Convention No. 138, the 1998 ILO Declaration on Fundamental Principles and Rights at Work confirms that all ILO Members have an obligation, arising from the very fact of membership in the Organization, to respect, promote and realize in good faith the principles concerning the fundamental rights that are the subject of the ILO's eight core conventions, including the effective abolition of child labor. Although the United States has not ratified the majority of those conventions, the United States has demonstrated, in its follow-up reports under the Declaration, that U.S. workers enjoy the fundamental principles and rights at work.

c) Child Pornography

44. Authorities at all levels work actively to prevent publication and dissemination of pornographic material concerning children. Regarding **Observations 28(a)-(b)**, for example, DOJ provides annual funding to 61 ICAC Task Forces, representing more than 3,500 federal, state, and local law enforcement and prosecutorial agencies. These task forces are dedicated to developing effective responses to the online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases. Since the inception of the program, the task forces have reviewed more than 516,000 complaints of alleged child sexual victimization, resulting in the arrest of more than 54,000 individuals (see OPSC Annex 4 for recent ICAC statistics). In addition, approximately 465,000 law enforcement officers and professionals have been trained through the ICAC program. These task forces, which are critical in implementation of the National Strategy, focus on prevention and interdiction. Prevention activities conducted from October 2011 through September 2015 included providing over 48,000 community education presentations on Internet safety to more than five million youth, parents, educators, law enforcement officials, and others concerned with child exploitation.

45. HHS also includes information on pornography and "sexting" on several youth and parent outreach websites, including www.girlshealth.gov, www.stopbullying.gov, and the Centers for Disease Control and Prevention-funded www.girlology.com.

46. **28(c)**. Measures to identify and assist child victims of child pornography in all settings and media are being strengthened through the National Strategy and the strengthened ICAC Program under the Federal Strategic Action Plan. The National Strategy, in particular, lays out factors, characteristics, and combinations thereof that can signal which child pornography offenders pose a higher risk of being or becoming a contact offender, thereby assisting in development of strategies for prevention and interdiction. Section 101 of the 2015 JVTA also increases funding for services to child pornography victims.

47. **28(d)**. The United States works closely with other countries to strengthen collaborative efforts to prevent and punish child pornography offenses. For example, in December 2012, then-Attorney General Eric Holder and then-European Commission Commissioner for Home Affairs Cecilia Malmstrom launched the Global Alliance Against Child Sexual Abuse Online, which seeks to unite countries through high-level ministers around the shared goals of enhancing efforts to identify victims, investigate online cases, reduce the availability of child pornography online and the re-victimization of children; and increasing public awareness of the risks posed by children's activities online. On September 29-30, 2014, the United States hosted the Alliance's Second Ministerial Conference in

Washington, D.C., which was attended by representatives of 37 of the Alliance's 54 member countries. The United States holds the Secretariat for the Global Alliance until the end of 2016. The United States also participates in the United Kingdom's ongoing WePROTECT initiative, through which representatives from more than 50 countries, 26 leading technology companies, and 10 NGOs coordinate a global response to the proliferation of child sexual abuse material in circulation on the Internet. The first WePROTECT summit in December 2014 released a Statement of Action, endorsed by the United States and 46 other countries, pledging to identify and protect victims of online child sexual abuse, remove child sexual abuse material from the Internet, strengthen international cooperation to apprehend perpetrators, and build global capacity to tackle the sexual exploitation of children online. At the second WePROTECT summit held in Abu Dhabi, United Arab Emirates, in November 2015, the United States and over 35 other countries endorsed a Statement of Action in which countries agreed to establish and develop a coordinated national response to online child sexual exploitation. In 2016, the Global Alliance and WePROTECT initiatives will be merged.

48. In December 2013, the United States and United Kingdom established the UK–U.S. task force to counter online child exploitation. This task force sought to find new technological solutions to combat child sexual exploitation crimes on the Internet and to reduce the volume of child sexual exploitation images online. It sought to leverage the intellectual talent and technical resources of the digital industry by forming and collaborating with an industry solutions group. The task force organized the WePROTECT Technology Solutions Event in London in May 2014, which was attended by 67 technical engineers/staff from 48 companies from the Internet and digital industry. As a result, eight "concepts" were identified as potential solutions, and are currently under consideration as part of the WePROTECT initiative.

49. The United States has also worked to support the development of the Child Exploitation Working Group at Eurojust, a judicial cooperation body created by the Council of the European Union to improve the fight against serious transnational crime. The Working Group seeks to identify and promote best practices for the investigation of child sexual exploitation offenses and to identify and respond to emerging legal and factual issues. On October 7-9, 2013, the United States and United Kingdom jointly held a global symposium in London to raise awareness for G8 members and others of the phenomenon of transnational child sex offenders, share knowledge about methodologies to address the issue, reach agreement on initiatives for advancing communications, raise awareness of Internet use, and identify areas of concern for action. This symposium, attended by G8 member countries, plus Brazil, Australia, the Europol Cybercrime Center, Interpol, and NGOs from Cambodia and Canada, focused on the G8 and partners working together to tackle international child sexual exploitation through use of consistent terminology; law enforcement information sharing with tools provided by Interpol and Europol; development of collaborative partnerships among law enforcement, NGOs, and the digital and Internet industry; and sharing best practices. Section C(7) describes the international work of the DHS/ICE Virtual Global Task Force to combat pornography and child sexual exploitation online.

d) Adoption

50. As **Observation 30(a)** recommended, U.S. authorities exercised vigilance with respect to UAA-grandfathered intercountry adoption cases and cases in transition during the period between signature of the UAA and its effective date of July 14, 2014. Under U.S. immigration regulations, immigration petitions for adopted children must be denied if any money or any other consideration was offered or given as payment for the child or as inducement to release the child.

51. Regarding **Observations 30(b)-(d)** and **(f)**, the United States fully implements its Hague Adoption Convention obligations. The implementing legislation, the Intercountry Adoption Act of 2000 (IAA), and its implementing regulations require the accreditation and monitoring of all adoption service providers who provide services in the United States in intercountry adoption cases, unless acting under the supervision and responsibility of an accredited adoption service provider or preparing a homestudy as an exempted provider. Furthermore, the IAA imposes civil and criminal penalties for any person who offers, gives, solicits, or accepts inducement intended to influence the decision of an accrediting entity, the relinquishment of parental rights, or the decision or action of a central authority, or who provides adoption services without accreditation or approval (unless supervised or exempted). The UAA extended the safeguards provided by accreditation to orphans being adopted from countries that are not Hague Adoption Convention parties, their adoptive parents, and their birth parents. This ensures that adoption service providers are all held to the same federal standards and ongoing monitoring and oversight, no matter from which country a child is adopted.

52. The United States is also actively involved in improving the operation of the Hague Adoption Convention through U.S. participation in the 2015 Special Commission established to review the Convention's practical operation, its leading role in Hague Conference on Private International Law activities related to intercountry adoption, and its participation in the Hague Conference Expert Group on the Financial Aspects of Intercountry Adoption. The latter group has finalized several tools to assist States in understanding what may constitute reasonable costs, identifying good practices in establishing reasonable costs and preventing improper financial gain, and encouraging disclosure of costs for increased transparency. The United States has also provided input for a discussion paper on cooperation among Central Authorities in developing a common approach to preventing and addressing illicit practices in intercountry adoption. The United States has offered to lead a working group to exchange good practices on this subject.

53. Regarding **30(e)**, the United States continues its active outreach efforts to better educate adoption service providers and prospective adoptive parents, encouraging awareness of and respect for the Hague Adoption Convention process. The United States also encourages compliance with foreign countries' legal procedures relating to intercountry adoption by providing extensive information to prospective adoptive parents and adoption service providers about each foreign country's system and by engaging in bilateral discussions with other countries to prevent or address any issue.

54. **30(g)-(i)**. As part of the accreditation and approval process to provide adoption services in intercountry adoption, adoption service providers in the United States must demonstrate that they provide adequate training and counseling to adoptive parents in preparation for adoption to integrate adopted children into adoptive families and promote the permanency of the adoptive placement. Regulations governing accreditation require that the adoption service provider arranging the adoption provide the prospective adoptive parent(s) with at least 10 hours of preparation and training, independent of the home study and subsequent report. This includes counseling on the child's history and cultural background, known health risks, and any other medical, social, educational, or other data known about the child, see 22 C.F.R. § 96.48. Training for social workers and case managers on adoption laws, regulations, and issues is also provided by federal and state authorities as well as NGOs and other private groups. Under regulations implementing the IAA, the UAA, and the Hague Adoption Convention, IAA-accredited agencies or approved persons must ensure that intercountry adoptions take place in the best interests of the child.

55. A working group comprising DOS, DOJ, HHS, and DHS, the Association of Administrators of the Interstate Compact on the Placement of Children and a representative of the state Attorneys General meets approximately once per month to develop a

coordinated, preventive response to unregulated custody transfers, including for children previously adopted. State and local authorities are responsible for the well-being of children within their jurisdictions, including adopted children. DOS facilitates contact between foreign officials and U.S. local and state authorities when concern is raised with the Department by a foreign official regarding the welfare of a child adopted from that official's country of origin.

56. In 2014, HHS, through its Children's Bureau, issued an Information Memorandum providing an overview of unregulated custody transfers of adopted children, also known as "re-homing."[4] Recently there have been significant concerns about the safety of children who are re-homed because new placements may put children in danger of abuse or neglect. The report discusses these concerns, and encourages state agencies to develop and promote provision of post-adoption services and resources to adopted children and youth, including those adopted internationally, www.acf.hhs.gov/sites/default/files/cb/im1402.pdf. Agencies are further encouraged to promote availability of post-adoption services and resources through outreach and information sharing to the adoption community. In 2014, the Children's Bureau also published two funding opportunity announcements to strengthen the relationships between adoptive children and families: the National Adoption Competency Mental Health Training Initiative seeks to improve the well-being of children before adoption and provide therapeutic post-adoption support; and the National Quality Improvement Center for Adoption/Guardianship Support and Preservation seeks to establish a center to conduct projects with selected state child welfare systems to improve the behavioral health of adoptive children. The Children's Bureau also funds www.adoptuskids.org to raise public awareness about the need for foster and adoptive families and to support states, territories, and tribes in their efforts to find families for children in foster care.

e) Child Sex Tourism

57. Regarding **Observations 32(a)-(d)**, the United States acts aggressively to combat child sex tourism, including through cooperation with the tourism industry. For example, in late 2014, U.S. government experts participated in an Advisory Committee and forum on combating labor and sex exploitation in the travel, tourism, and hospitality sectors, hosted by the National Academy of Sciences' Institute of Medicine. The forum convened leaders from the travel, tourism, and hospitality sectors; academic institutions; NGOs; and government. Among other outcomes, participants learned about a Global Study on Sexual Exploitation of Children in Travel and Tourism to be released by an international organization and NGO-led task force in 2016. Regarding the Committee's observation concerning the World Tourism Organization Global Code of Ethics, the United States is not a member of that organization.

58. Regarding application of U.S. criminal laws concerning sexual exploitation of persons under the age of 18 in foreign countries, federal law, 18 U.S.C. § 2423(c), prohibits U.S. citizens or lawful permanent residents from traveling in foreign commerce or from permanently or temporarily residing in a foreign country and engaging in "illicit sexual conduct" with a minor. Illicit sexual conduct includes two categories of sexual conduct: sexual acts (as defined in federal law) with minors and commercial sex acts with minors. Under changes made by the 2015 JVTA, defendants wishing to assert as a defense reasonable belief that the person with whom they engaged in a commercial sex act had attained the age of 18 years must now prove that defense by the higher burden of proof of

[4] Re-homing is the relinquishment or transfer of guardianship for adopted children outside the purview of the courts or public child welfare agencies.

"clear and convincing evidence" rather than a "preponderance of the evidence." We are not aware of a case where the defense has been successfully asserted. Conviction under this criminal provision does not require that a U.S. citizen reside in the United States.

5. Prohibition of the Sale of Children, Child Pornography, Child Prostitution, and Related Matters

a) Prohibition and Decriminalization

59. Regarding **Observations 34(a), (d)**, and **(e)**, prior to becoming an OPSC Party, the United States carefully reviewed its laws and determined that they were sufficient to allow effective implementation of its obligations, as outlined in the U.S. instrument of ratification, see Second Periodic Report 158-195. In this connection, the United States notes that OPSC Article 3(2) relating to "attempts to commit acts" applies "subject to the provisions of a State Party's national law," and notes further that a number of the laws through which the OPSC is implemented in the United States include attempted actions in the definition of prohibited activities, see, e.g., 18 U.S.C. § 1594(a) (attempted sex trafficking), 18 U.S.C. § 2241 (aggravated sexual abuse), 18 U.S.C. § 2242 (abuse), 18 U.S.C. § 2243 (sexual abuse of a minor or ward), 18 U.S.C. § 2251(e) (providing penalty for attempted production of child pornography), 18 U.S.C. § 2252(b) (providing penalty for attempts to engage in certain activities related to material involving the sexual exploitation of minors), and 18 U.S.C. § 2423(e) (criminalizing attempts to engage in certain child sexual exploitation offenses). Moreover, federal statutes define a commercial sex act as "any sex act on account of which anything of value is given to or received by any person," 18 U.S.C. § 1591(e)(3) and 22 U.S.C. § 7102(4), and therefore do not require that remuneration be in the form of an exchange of money.

60. Regarding **Observations 34(b)-(c)**, a number of positive developments have occurred concerning decriminalization of children's involvement in prostitution and enactment of safe harbor laws in states throughout the United States. In 2011, the American Bar Association (ABA) House of Delegates passed a resolution urging states not to charge child trafficking victims with prostitution and related offenses but, instead, to provide them services. In 2013, the Uniform Law Commission, which consists of lawyers from across the country, released model language for state legislation, the Uniform Act on Prevention of and Remedies for Human Trafficking, recommending immunity for child trafficking victims; the ABA House of Delegates endorsed the Act. In addition, the 2015 JVTA, §601, authorizes DOJ to give preferential consideration in awarding public safety and community-oriented policing grants to applicants from states with laws that treat minors involved in prostitution as victims, discourage or prohibit charging them with offenses, and encourage diversion of such individuals to appropriate service providers, such as child welfare services and victim treatment programs, thereby providing an incentive for the development of safe harbor laws.

61. At least 28 states have enacted laws addressing safe harbor: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Virginia, Washington, and Wisconsin. Such laws include: immunity from prosecution for certain offenses by minors (six states), creation of an affirmative defense to criminal charges for trafficked victims (19 states), provision for the pretrial diversion of trafficked youth from traditional criminal justice processing into programs of supervision and services (four states), and creation of procedures to clear trafficking-related criminal convictions from victims' records (15 states), see National Conference of State Legislators, www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-overview.aspx. Other state legislatures have also had such laws under consideration.

62. Regarding **Observation 36**, authorities in the United States investigate and prosecute sexual abuse of children by clerics. For example, on September 22, 2015, Reverend Joseph D. Maurizio, Jr., of Somerset County, Pennsylvania, was found guilty in federal district court of sexually abusing children in Honduras while on mission trips for his charity, www.justice.gov/usao-wdpa/pr/pennsylvania-priest-convicted-sexually-abusing-minors. In addition to prosecutions, authorities engage in dialogue with faith-based organizations and religious institutions to enlist their collaboration in prevention, investigation, and prosecution of such cases. Where necessary and appropriate, sanctions may be imposed on organizations, in addition to those imposed on offending persons. For example, in June 2015, authorities in Ramsey County, Minnesota, filed criminal charges against the Roman Catholic Archdiocese of St. Paul and Minneapolis for its role in allegedly failing to protect children and its contribution to the harm done to sexual abuse victims of a former priest, who had been convicted and sent to prison for molesting children. The complaint alleges *inter alia*, that church officials failed to inform the police of the allegations in a timely manner. See www.mprnews.org/story/2015/06/05/archdiocese-investigation.

63. Regarding liability of legal persons, **Observation 38**, U.S. law is consistent with OPSC Article 3(4), which requires each Party, subject to the provisions of its national law, to take measures, where appropriate, to establish the liability of legal persons for offences established in Article 3(1). The liability of legal persons may be criminal, civil, or administrative, also subject to national law. As described in 239 of our Second Periodic Report, in the United States, corporations may be held criminally responsible for violations of criminal laws by their employees and agents when applicable conditions are met. For example, in 2010, the Webe Web Corporation of Florida, owner of several "child modeling" websites, pleaded guilty to one count of conspiracy to produce child pornography and 16 counts of transporting child pornography, www.fbi.gov/birmingham/press-releases/2010/bh042210.htm.

b) Extraterritorial Jurisdiction

64. Regarding **Observation 40**, establishment of jurisdiction by a State Party over its nationals as perpetrators or victims outside its territory under OPSC Article 4(2) is not mandatory. The United States does not routinely do so. Nonetheless, as discussed in Section V(L) (Jurisdiction) of the Second Periodic Report, in addition to cases covered by the special aircraft or special maritime and territorial jurisdiction, U.S. law extends jurisdiction under a number of statutes relevant to implementation of the OPSC. The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) established extraterritorial jurisdiction over specified offenses (or attempts or conspiracies to commit such offenses) relating to peonage, slavery, and trafficking for forced labor and sex trafficking if an alleged offender is (1) a national of the United States or an alien lawfully admitted for permanent residence; or (2) present in the United States, irrespective of his or her nationality (18 U.S.C. §§ 1581, 1583, 1584, 1589-1591, 1596). The requirement to establish jurisdiction over an alleged offender present in a State Party if the State Party refuses to extradite the offender on the basis of nationality is inapplicable to the United States because U.S. nationality is not a ground for denying extradition.

c) Extradition

65. Regarding **Observation 42**, as the United States explained in its Initial and Second Periodic Reports, U.S. law, which is fully consistent with OPSC obligations, generally requires a treaty for extradition from the United States.

66. Consistent with OPSC Article 5(1), the United States considers the offenses covered by the OPSC to be included as extraditable offenses in a bilateral extradition treaty the

United States has with another OPSC State Party, particularly a list-based treaty that predates the United States' 2002 ratification of the OPSC and that does not list the offenses referred to in Article 3(1) of the OPSC. All of the United States' modern extradition treaties incorporate the concept of dual criminality, and U.S. law criminalizes the offenses covered by the OPSC. So long as a requesting State Party has met its OPSC obligation to criminalize the offenses referred to in Article 3(1), the dual criminality requirement will generally have been met for purposes of executing an extradition request from that State Party.

d) Sale of Organs

67. Regarding **Observation 43**, the United States recognizes the extent and seriousness of international trafficking in organs. To help address the problem, HHS conducts outreach through its Health Resources and Services Center, Organ Procurement and Transplantation Network, and Partnership Center to improve and increase legal organ donation, thereby saving lives and reducing pressure for illegal organs. In 2013, HHS finalized a regulation clarifying that blood stem cells (hematopoietic stem cells acquired by apheresis) fall under the definition of "human organ" under the 1984 National Organ Transplant Act, thereby making illegal the transfer of such blood cells for valuable consideration. The HHS regulation followed a federal court ruling, *Flynn v. Holder*, 684 F.3d 852 (9th Cir. 2011), which had permitted compensation in the form of scholarships or gifts to charity for persons who gave up blood stem cells on the theory that they were not covered by the Act. In 2011, DOJ prosecuted the first organ trafficking case under the National Organ Transplant Act, in which the defendant pleaded guilty and was sentenced to two and a half years in prison for brokering three illegal kidney transplants for adult customers in New Jersey. There are no known reports of sale of children's organs in the United States.

68. A compilation of relevant state statutes concerning sale of organs, prepared by the National District Attorneys Association, was attached as Annex 5A to our Second Periodic Report. As explained in the U.S. Initial Report, UN Doc. CRC/C/OPSC/USA/1, at 19-20, although U.S. state laws may not always criminalize the sale of organs *per se*, conduct prohibited by the OPSC would necessarily fall within the scope of one or more state criminal statutes. Depending on the nature of the crime and the state law involved, the conduct prohibited by the OPSC would constitute assault, and might also be battery, maiming, child abuse, or criminal homicide.

6. Protection of the Rights of Child Victims

a) Victim Services

69. Regarding **Observation 45**, services to child victims are provided through numerous federal departments and agencies, including DOS, DOJ, DHS, and HHS, state and local authorities, and civil society. As is evident from the Federal Strategic Action Plan, the federal government has devoted substantial attention to strengthening and improving victim services. A few examples of actions that have been or are being taken pursuant to the Plan are highlighted here. DOJ/OVC has published *Vision 21: Transforming Victim Services*, http://ovc.ncjrs.gov/vision21/pdfs/Vision21_Report.pdf, the first comprehensive assessment of victim assistance in nearly 15 years; $12.5 million appropriated in 2014 to address its recommendations has now been allocated. In 2014, DOJ held a Human Trafficking Survivor Forum and Listening Session to hear from survivors on effective ways to incorporate survivors' voices and perspectives in technical assistance, training, and outreach; programming; and research and evaluation. Each of the 94 U.S. Attorneys' Offices has a victim assistance program, with over 240 Victim-Witness personnel nationwide. Victim-Witness personnel are trained to assess victims' needs and make appropriate service referrals, coordinating their efforts with relevant law enforcement

agencies, and ensuring that particularly vulnerable victims (e.g., children) and victims of specific types of crimes (e.g., trafficking and sexual assault) receive additional services to address their specific needs. The FBI also has over 130 Victim Specialists throughout the nation, working alongside trained Agents and Child Adolescent Forensic Interviewers and with state and local agencies to ensure that victims of sexual exploitation are notified of their rights and to provide victims with support services.

70. DHS/ICE's HSI also has a Victim Assistance Program (VAP), comprising six Forensic Interview Specialists and 25 Victim Assistance Specialists who complement the work of more than 250 Victim Assistance Coordinators. VAP uses a victim-centered approach that involves partnerships with public, private, and nongovernmental organizations, and capacity-building and outreach activities with service providers. During FY 2015, more than 2,000 victims were assisted. Victim Assistance Specialists located in HSI field offices held 1,087 events within their respective areas of responsibility, providing outreach training to over 21,000 participants from state and local law enforcement and NGOs. These training and outreach activities crossed international borders and included multi-agency and multi-jurisdictional participation. VAP is a critical resource to investigations and criminal prosecutions, ensuring that victims have access to the rights and services to which they are legally entitled.

71. HHS's Children's Bureau has issued *Making Meaningful Connections: 2015 Prevention Resource Guide*, www.childwelfare.gov/pubPDFs/guide.pdf, which promotes a focus on well-being in child welfare services. The Bureau is also exploring public-private partnerships with businesses, philanthropic foundations, and faith-based and other community organizations to support ongoing housing needs. Federal agencies working on human trafficking issues are committed to promoting partnerships and the use of common terminology.

b) Unaccompanied Children,[5] Asylum Seekers, Refugees, and Migrants

72. Regarding **Observation 47**, the Trafficking Victims Protection Act of 2000 (TVPA) was reauthorized in 2013 (Title XII of the Violence Against Women Reauthorization Act of 2013). The Refugee Protection Act, introduced in 2010 and reintroduced in subsequent congressional sessions, has not yet been enacted; this legislation would strengthen protections for refugees and asylum seekers with bona fide claims.

73. In July 2011, DHS set up a cross-component Working Group to address concerns and ensure that age-appropriate services are provided to all unaccompanied children encountered by DHS personnel. In addition, in light of the substantial increase in unaccompanied children arriving in 2014, at the direction of President Obama, DHS and other agencies established a Unified Coordination Group, under the leadership of the Administrator of the Federal Emergency Management Agency. Further, to help families find safe and lawful paths for migration of eligible children to the United States, in late 2014, the United States established in-country refugee processing facilities in Guatemala, El Salvador, and Honduras as part of the Central American Minors (CAM) Program, for unmarried individuals under age 21 who have parents lawfully present in the United States in certain categories (e.g., lawful permanent resident status, temporary protected status). Applicants who gain access to the program but are found ineligible for refugee status will be considered on a case-by-case basis for parole into the United States. As of September 2015, DHS had completed its first round of 90 interviews in Central America and had conditionally approved approximately 12% for refugee resettlement and recommended

[5] For the meaning of "unaccompanied children" as used in this Report, see *supra* note **Error! Bookmark not defined.**.

approximately 84% for parole. Approximately 1% were denied and approximately 2% were undergoing additional review. As of December 28, 2015, 410 cases, which comprise 420 individuals, had been conditionally approved for parole under the CAM program.

74. DHS screening procedures for unaccompanied children encountered at land borders and ports of entry, eligibility for immigration benefits, and the process for asylum applications are described in 49 and 50 of the 2012 Written Replies. See OPSC Annex 5 for data on eligibility letters to children, continued presence grants, and applications for T nonimmigrant status and petitions for U nonimmigrant status. Where children are involved, DHS/USCIS takes into consideration the best interests of the child when determining appropriate interview and other procedures. Where possible, siblings are interviewed on the same day by the same officer, and a trusted adult or child advocate may be allowed to help the child in the interview. In addition, when assessing a claim, USCIS Asylum Officers are instructed to give particular regard to a child's stage of development, possible limited knowledge of conditions, and special vulnerability. Asylum Officers assess whether children's claims of potential harm rise to the level of persecution with the understanding that children may be more severely and potentially permanently affected by trauma than adults. Asylum Officers also acquire as much objective evidence as possible in recognition of the fact that the applicant's subjective fear or accounting of past events may be limited. Furthermore, DOJ's Executive Office for Immigration Review (EOIR) Office of the Chief Immigration Judge has provided guidance to immigration judges explaining that immigration judges may consider the "best interests of the child" as a factor in exercising discretion and in taking steps to ensure a child-appropriate hearing environment, www.justice.gov/eoir/oppm-log.

75. U.S. agencies have programs to train those who might encounter unaccompanied children to assist them in recognizing indicators of human trafficking and providing appropriate services to victims. For example, in March 2011, DHS implemented new web-based training to familiarize U.S. CBP officers, Agriculture Specialists, and Border Patrol agents with the impact and the key indicators of human trafficking, appropriate treatment of minors and unaccompanied children, and the requirements of TVPRA on screening of such children who are citizens or habitual residents of a contiguous country for trafficking and persecution concerns. All CBP frontline personnel (i.e., Office of Field Operations officers and Border Patrol agents) must complete training each year regarding general care and treatment of minors in custody, including unaccompanied children. In addition to identifying trafficking victims and spotting indicators of potential trafficking, this training addresses topics such as processing of minors, interview techniques, required services and amenities, and transportation and transfer procedures. Working with NGOs, in 2015 CBP also completed a video-based course providing CBP officers and agents enhanced instruction on interacting with unaccompanied children. In addition, since 2012, new officers in DHS's Refugee, Asylum, and International Operations Directorate have been trained on the provisions of the TVPRA, including on how to make "unaccompanied child" determinations, detect trafficking indicators, and determine what asylum officers should do if they suspect that an asylum applicant has been or is being trafficked. In addition, EOIR adjudicators have received training on issues regarding unaccompanied children.

76. DHS takes substantial measures to ensure that all individuals are adequately cared for while temporarily in CBP custody and that all juveniles, including unaccompanied children, are treated with dignity, respect, and special concern for their particular vulnerabilities. Juveniles and unaccompanied children are processed and cared for in accordance with court-approved settlement agreements, the Homeland Security Act of 2002, TVPRA, consular communication requirements, and DHS policies. In recent years, DHS conducted a pilot program at ports and sector stations in South Texas to evaluate: (1) the adequacy of agency resources allocated to the care and custody of unaccompanied children in that area; (2) whether changes to processing, care, or custody were appropriate;

and (3) improvements or barriers to policy or practices. The pilot, which concluded in February 2013, resulted in a significant improvement in assessments of unaccompanied children of the quality of their care (measuring at 99% satisfaction at the pilot's conclusion).

77. Unless exceptional circumstances are present, DHS expeditiously processes unaccompanied children and transfers them to the custody and care of HHS, normally well within 72 hours of a determination that the individual is an unaccompanied child. HHS is responsible for the custody and care of such children until they are released to a sponsor, usually a family member or relative, while they await immigration proceedings. HHS/ORR promptly places an unaccompanied child in a state-licensed care provider facility, in the least restrictive setting that is in the best interests of the child, taking into consideration danger to self, danger to the community, and risk of flight. ORR takes into consideration the unique nature of each child's situation and incorporates child welfare principles when making placement, clinical, case management, and release decisions in the best interests of the child, see ORR Policy Guide: Children Entering the United States Unaccompanied, www.acf.hhs.gov/programs/orr/resource/children-entering-the-united-states-unaccompanied. HHS receives referrals of unaccompanied children from all federal agencies and screens all such children to determine if they have been victims of trafficking, exploitation, trauma, or any physical, sexual, or emotional abuse, in order to ensure that child victims receive needed social services and benefits. HHS received 33,726 referrals in FY 2015; the top three countries of origin were Honduras, Guatemala, and El Salvador.

78. HHS operates the Unaccompanied Refugee Minors (URM) Program for foreign national children without parents or legal custodians in the United States able to provide care, including foreign-national child trafficking victims. With 25 URM placement sites in the United States, the program provides specialized, culturally appropriate, foster care homes or other licensed care settings according to the child's individual needs. Additional services provided include indirect financial support for housing, food, clothing, medical care, and other necessities; intensive case management by social workers; independent living skills training; educational support; English language training; career and college counseling and training; mental health services; assistance in adjusting immigration status; cultural activities; recreational opportunities; support for social integration; and cultural and religious preservation.

79. To help unaccompanied children obtain legal representation to the greatest extent possible and practicable, HHS/ORR coordinates a legal services program that provides children with presentations on their rights, conducts individualized legal screenings, and builds *pro bono* legal representation capacity; it also provides limited direct legal representation while they are in custody and after they are released to a sponsor. In September 2015, ORR awarded a legal services program contract and increased funding for legal services by $28 million, for a total of $55 million of available funding in the first year of the three-year contract. Many unaccompanied children meet conditions that make them eligible for immigration relief, allowing them to remain in the United States, including, but not limited to, asylum; special immigrant juvenile status for those who have been abused, neglected, or abandoned by a parent or guardian; nonimmigrant status for victims of severe forms of trafficking and other types of crimes; or adjustment of status for those who have a lawful permanent resident or citizen family member.

80. DOJ, through EOIR's Office of Legal Access Programs (OLAP), manages programs to provide individuals in removal proceedings, including unaccompanied children, better access to legal information and legal representation. OLAP operates the Legal Orientation Program for Custodians of Unaccompanied Alien Children, including a National Call Center. Under this program, contractors inform custodians of such children about immigration court procedures, basic legal concepts, and the custodian's role and

responsibilities toward children in their care. Guidance to providers covers identifying and reporting cases of mistreatment, exploitation, and trafficking. Providers explain how victims can apply for either T or U nonimmigrant status and facilitate *pro bono* representation in removal proceedings and administrative appeals before the Board of Immigration Appeals. DOJ has also taken steps to encourage *pro bono* legal representation of respondents in removal proceedings, including issuing guidance memoranda to immigration judges regarding facilitating *pro bono* representation; creating a Model Hearing Program for *pro bono* representatives; establishing Self-Help Legal Centers at immigration courts; establishing juvenile dockets in all immigration courts across the country that hear cases involving unaccompanied children; and, to increase efficiency, issuing guidance to immigration judges on how to handle proceedings involving juveniles. In addition, in the fall of 2014, DOJ, in partnership with the Corporation for National and Community Service, established "justice AmeriCorps," a direct representation program providing government-funded attorneys to certain unaccompanied children. DOJ also funded a similar program to serve the federal immigration court in Baltimore. These programs have the following trafficking related objectives: (1) facilitating identification of unaccompanied children who have been human trafficking or abuse victims and decreasing the risk that those children may be trafficked upon return to their countries of nationality or last habitual residence; (2) screening of such children for abuse, trafficking, and trauma; and (3) referring suspected cases of abuse, trafficking, and trauma to appropriate law enforcement authorities and/or appropriate support services.

81. The Violence Against Women Reauthorization Act of 2013 authorizes appointment of federally funded child advocates for certain unaccompanied children. For example, under the Act, the Young Center for Immigrant Children's Rights has been appointed as Child Advocate for the most vulnerable unaccompanied children in Chicago (e.g., children with mental or physical disabilities, and children who have experienced extensive trauma). Law students in the Young Center Clinic serve as Child Advocates for individual children, responsible for advocating for the best interests of the child on issues relating to care, custody, release, legal relief, and safe repatriation. Each student meets weekly with the child and advocates on behalf of the child with federal offices, including immigration judges and asylum officers, under the supervision of Young Center attorneys. Students look to relevant law and guidance, including the child protection laws of the child's home country, with regard to best interests of the child determinations, www.law.uchicago.edu/clinics/immigrantchildadvocacy.

82. Federal funds also support child advocates for unaccompanied children in HHS/ORR custody to ensure the child's best interests are identified. Since October 2014, this child advocate program has expanded from two to six sites across the country, with preliminary plans to expand to three additional sites in FY 2016. ORR provides a Legal Resource Guide for Unaccompanied Children online in English and Spanish, including information about rights and responsibilities under the law and a legal service provider list for unaccompanied children in its care, www.acf.hhs.gov/programs/orr/resource/unaccompanied-childrens-services.

83. In November 2014, the Secretary of Homeland Security issued guidance designed, *inter alia*, to expand the population eligible for consideration for "deferred action"—a case-by-case determination, as a matter of discretion, not to pursue removal from the United States for a temporary period—under the Deferred Action for Childhood Arrivals (DACA) policy, and also to lengthen the period of deferred action from two to three years. In addition, the Secretary's guidance allowed for consideration of deferred action as a matter of discretion for individuals who are parents of U.S. citizens and lawful permanent residents and who meet certain guidelines under a policy known as Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). This guidance was challenged in federal court, leading to a February 2015 federal district court order, affirmed

by a federal Court of Appeals, enjoining DAPA's implementation and DACA's expansion (but not the original DACA policy under the guidelines announced in 2012). DHS is complying with this order while the U.S. Supreme Court considers the matter on appeal.

84. In 2015, DHS implemented substantial changes in detention practices for families with children. The first round of reforms, announced in May 2015, includes: (1) review of cases of families detained beyond 90 days to evaluate whether continued detention during the pendency of immigration cases is appropriate; (2) discontinuance of invoking general deterrence as a factor in custody determinations in all cases involving families; (3) appointment of a Federal Advisory Committee of outside experts to advise DHS, including ICE, on family residential centers; and (4) additional measures to ensure access to counsel, attorney-client meeting rooms, social workers, educational services, comprehensive medical care, and continuous monitoring of the overall conditions at the centers. In June 2015, DHS implemented a change in policy so that once a family has established a credible or reasonable fear of persecution or torture, DHS will offer release with an appropriate monetary bond or other condition of release, set at a level that is reasonable and realistic, taking into account ability to pay, while also encompassing risk of flight and public safety. Also, DHS directed USCIS to conduct credible fear and reasonable fear interviews within a reasonable timeframe. The result of this change in policy is that detention of families will be short-term in most cases, during which time families receive education about their rights and responsibilities.

85. In December 2014, HHS published a regulation on standards to prevent, detect, and respond to sexual abuse and sexual harassment involving unaccompanied children. This is the first regulation to comprehensively address sexual abuse and sexual harassment in ORR care provider facilities. The standards, which went into effect in June of 2015, build on and enhance existing state and local laws, regulations, and licensing standards.

c) Criminal Justice System Protection Measures

86. Regarding **Observation 49(a)** concerning standards of care, in 2012, DOJ published the *Attorney General's General Guidelines for Victim and Witness Assistance*, available at www.justice.gov/sites/default/files/olp/docs/ag_guidelines2012.pdf (2011, revised May 2012). These guidelines call for provision of services for victims under 18 years of age, and require provision of age-appropriate support services to child victims and witnesses who are asked to relive the crime during investigation and prosecution of a criminal case. They contain specific provisions for child protection during criminal investigations and judicial proceedings, including closing the courtroom or allowing the child to testify via alternative means, appointment of a guardian *ad litem*, and preparation of child victim impact statements. The guidelines speak to protecting the dignity of victims, particularly those victims who have been exploited or are particularly vulnerable, such as children, www.justice.gov/sites/default/files/olp/docs/ag_guidelines2012.pdf. All federal crime victims are afforded the rights set forth in 18 U.S.C. § 3771(a), and child victims and witnesses are provided additional protections as set forth in 18 U.S.C. § 3509.

87. **49(b)**. Regarding training on interactions with child victims and witnesses, training providers funded by DOJ's Bureau of Justice Assistance conduct courses for state judges and state prosecutors. From July 1, 2013 to June 30, 2014, DOJ grantees trained 40,588 professionals representing schools and educational institutions, faith-based organizations and religious institutions, victim service providers, civic and business community, and state and local law enforcement. The Missing and Exploited Children and Amber Alert Programs of DOJ/OJJDP provided training and technical assistance to over 7,000 individuals, including law enforcement officials, prosecutors, and service providers. That office also partnered with the Institute of Medicine to release a series of materials based on the 2013 report *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the*

United States, including three sector-specific resource guides for victim service providers, health care providers, and the legal system. DOJ has also taken significant steps to train EOIR personnel who work with unaccompanied children or potential trafficking victims in immigration proceedings to meet its affirmative obligations to identify trafficking victims and make appropriate referrals.

88. All DHS/USCIS officers receive training on international and domestic trafficking laws, common forms of human trafficking, and rights and immigration relief for victims. Asylum officers receive additional training on identifying red flags in interviewing asylum applicants and adjudicating asylum applications, and on what they should do if they suspect an asylum applicant, child or an adult, is a victim or potential victim of trafficking. In addition, the DHS Blue Campaign and the Federal Law Enforcement Training Center conduct training for law enforcement officials that emphasizes the importance of a victim-centered approach in law enforcement investigations involving child victims. Best practices in a victim-centered approach include assessment of the victim's immediate needs, use of specially trained victim-sensitive interviewers or forensic interviewers, and close coordination and referral to nongovernmental partners for social service and legal assistance.

89. HHS provides training and technical assistance to build capacity for comprehensive and coordinated services that are trauma-informed and focused on the needs of individual children, through NGO networks such as the NHTRC, Runaway and Homeless Youth Training and Technical Assistance Center, National Indigenous Women's Resource Center, Asian Pacific Institute on Gender-Based Violence, Casa de Esperanza: National Latina Network of Healthy Families and Communities, Child Welfare Capacity Building Collaborative, and the National Child Traumatic Stress Network.

90. **49(c)**. Focus on best interests of the child in immigration proceedings and in care for unaccompanied children is discussed in Section C(6)(b). Regarding the best interest of the child principle in the criminal justice system, DOJ, through OJJDP, supported development of the National Judicial Institute on Domestic Child Sex Trafficking to assist judicial officers in understanding domestic child sex trafficking, learning ways to assist children at risk of or being trafficked, and connecting them to appropriate services. That office has also hosted webinars to educate juvenile justice personnel on the dynamics of child sex trafficking and victimization so that the juvenile justice system may more effectively serve these youth. Since 2012, HHS's Substance Abuse and Mental Health Services Administration (SAMHSA) has supported the Center for Trauma Recovery and Juvenile Justice in developing and disseminating evidence-based trauma interventions and trauma-informed services for youth and families exposed to domestic and community violence (including sex trafficking victims) involved in the justice and law enforcement systems. In 2014 and 2015, HHS facilitated multiple meetings and trainings on trauma-informed care for human trafficking victims, including leveraging SAMHSA's National Child Traumatic Stress Network to inform policies and practices in the best interests of child trafficking victims.

91. **49(d)**. The United States supports legal services for human trafficking victims through grant assistance and other activities. The largest source of federal funding comes through the Legal Services Corporation, a private, nonprofit corporation established and funded by Congress to fund legal aid programs. Additional services are available through law school clinics, *pro bono* services offered by law firms, employment law centers, community-based legal providers, immigration rights clinics, and nonprofit groups such as the Catholic Legal Immigration Network, Inc. The White House Legal Aid Interagency Roundtable is also exploring additional opportunities to support legal services for human trafficking victims.

92. DOJ's *Vision 21: Transforming Victim Services* includes extensive recommendations on improving strategic planning, research, capacity building, and funding for services for the provision of comprehensive legal services to victims, including human trafficking victims, and steps that can be taken if additional funding could be brought to bear. DOJ/OVC has expanded legal assistance capacity for human trafficking victims through current policy, programming, and funding. In 2012, it initiated two initiatives to strengthen crime victims' access to legal help: the Legal Assistance Capacity Building initiative, which provides training and oversight for *pro bono* attorneys handling such cases; and the Wraparound Victim Legal Assistance Network Demonstration Project, which funded the development of six *pro bono*, collaborative, holistic, legal service networks that can be replicated in various communities. In 2014, OVC funded an additional four legal networks under the Vision 21 Legal Assistance Networks program. Through its Trafficking Victims Grant Programs, in 2013, 2014, and 2015, OVC awarded grants for comprehensive or specialized services, including legal services, to human trafficking victims. In addition, in 2012, HHS/ORR informed state refugee coordinators, national voluntary agencies, and other interested parties that certain federal funds available under the TVPA may be used to provide legal assistance for trafficking victims, potential victims, and certain family members, https://www.acf.hhs.gov/programs/orr/resource/state-letter-12-04. HHS also includes legal services as part of comprehensive case management services available to human trafficking victims through its grantees.

93. **49(e)**. While the U.S. government cannot directly effect changes to state laws, federal authorities can and do encourage appropriate changes to state criminal laws. Since the enactment of the TVPA, the federal government has developed two model state laws, one concerning human trafficking offenses generally and, more recently, draft language in the areas of pimping, pandering, prostitution, and commercial sex, see paragraph 16 and, e.g., www.justice.gov/olp/model-state-provisions-pimping-pandering-and-prostitution. The federal government also encourages states to adopt victim-centered approaches, including with regard to provision of testimony for prosecutions.

94. There appears to be an emerging trend among states to place children who have been involved with prostitution into child protective service systems instead of the criminal justice systems. As noted at paragraph 61, at least 28 states have adopted safe harbor laws. The federal government also strongly encourages state and local law enforcement to make use of tools such as Continued Presence, a form of temporary immigration relief to help stabilize foreign national human trafficking victims who may not have lawful status in the United States. These resources allow victims to begin the recovery process so they can assist law enforcement in investigation and prosecution of traffickers.

7. International Assistance and Cooperation

95. The United States works actively to strengthen international cooperation on OPSC-related matters, through foreign assistance, establishment of partnerships and coalitions, and other collaborative mechanisms, see **Observation 51**. DOS funds extensive projects and programs around the world tackling corruption, training prosecutors and law enforcement, providing support for victims, and raising awareness. As of October 2014, the DOS TIP Office oversaw 98 projects worth nearly $60 million in 71 countries. In 2013, Congress gave DOS a new and innovative tool to combat trafficking of children — Child Protection Compacts, designed to help build sustainable and effective systems of justice, prevention, and protection. In June 2015, the United States and Ghana signed a Child Protection Compact Partnership, a jointly-developed, multi-year plan aimed at bolstering efforts by the Ghanaian government and civil society to address child sex trafficking and forced child labor within Ghana. In October 2015, DOS announced the award of $5 million to two civil society implementing partners that will work collaboratively with Ghanaian

government ministries and additional civil society organizations to combat child trafficking in three regions (Volta, Central, and Greater Accra) over the next four years.

96. Regarding cooperation with countries in the region, the United States and Canada signed a Memorandum of Understanding in 2012 to cooperate in prevention and reduction of human smuggling and trafficking. Cooperation with Central American nations occurs, *inter alia*, through the Central America Regional Security Initiative (CARSI), an integrated, collaborative regional security and rule-of-law program. Among other programs under this umbrella, DOJ and DHS train and mentor vetted law enforcement units in Costa Rica, El Salvador, Guatemala, Honduras, and Panama in conducting complex investigations that target arms trafficking, gangs, extortion, bulk cash smuggling, kidnapping, and human trafficking—crimes that affect both local and regional security. Cooperation with Mexico occurs through multiple formal and informal channels, including the Merida Initiative, a U.S.–Mexico partnership to fight organized crime and associated violence while advancing the rule of law and strengthening justice sector institutions. In addition, since 2009, DOJ and DHS have collaborated with Mexican law enforcement counterparts to combat human trafficking networks operating across the U.S.– Mexico border through a Bilateral Human Trafficking enforcement initiative. The United States and Mexico also collaborate on multiple capacity-building programs and exchanges of expertise. For example, in January 2015, DOS, DOJ, and DHS/ICE hosted a three-day anti-human trafficking seminar in Toluca, Mexico, to teach approximately 55 Mexican law enforcement officers about key human trafficking indicators to help them identify victims and perpetrators. High-level officials within the two governments pledged to cooperate to combat human trafficking. The Florida Attorney General has also partnered with Mexican prosecutors for training on apprehending human traffickers. A DOS grantee in Mexico is assisting young trafficking victims with transition to independent adulthood through a comprehensive program that includes shelter and economic support, legal services, life skills training, and labor rights education. The grantee has partnered with local businesses to provide training and employment for youth to assist in recovery and reduce the risks of re-trafficking.

97. USAID is also supporting a number of CARSI-funded initiatives. In El Salvador, USAID established victim assistance centers that include legal, medical, and psychological counseling for victims of violent crime. One of the first multi-institutional, fully integrated service providers in Central America, these centers often include children's therapy centers and crisis attention rooms for child victims of violence and victims of gender-based violence and their children. Similarly, in Guatemala, USAID has, since 2006, promoted 24-hour courts that also co-locate justice sector institutions to facilitate coordination on criminal investigations. In 2012, working with the Attorney General and President of the Guatemalan Supreme Court, USAID helped launch a 24-hour Court for Femicide and Other Forms of Violence Against Women, Sexual Violence, Exploitation, and Trafficking in Persons. Housing a criminal court, a public defense office, a police substation, and a forensic clinic, and staffed by prosecutors, psychologists, doctors, and lawyers, this integrated court ensures that victims receive needed assistance and strengthens criminal investigation by using scientific evidence. The court provides services to women of all ages and to children under 18.

98. More broadly, since 2001, USAID has programmed on average $16 million annually in C-TIP activities, working in 20 to 25 countries per year. USAID uses a "4P" approach: *prevention* of trafficking; *protection* of survivors; *prosecution* of perpetrators; and investment in strong *partnerships* with stakeholders. Since February 2012, USAID has implemented a C-TIP policy that outlines concrete, measurable programming objectives, integrates C-TIP activities across development sectors, invests in rigorous research to capture lessons learned and best practices, enhances institutional accountability, and increases investments in countries with global strategic importance and significant trafficking problems and in conflict and crisis-affected areas. The policy also leverages

USAID's strong field presence through regional approaches and employment of innovation and technology.

99. Objective 3 of the United States Government Action Plan on Children in Adversity commits the U.S. government to facilitating the efforts of national governments and partners to prevent, respond to, and protect children from violence, exploitation, abuse, and neglect. The Centers for Disease Control and Prevention conducts Violence against Children Surveys, which measure physical, emotional, and sexual violence against girls and boys, and identify risk and protective factors and health consequences as well as use of services and barriers to seeking help. These surveys have been completed in five countries, and are underway in nine more.

100. In addition, the United States has supported, including through federal funding, efforts by other countries without existing trafficking-specific legislative frameworks to draft, enact, and/or implement anti-trafficking laws. Due in part to these efforts, over the last few years the Governments of Botswana, Burundi, Haiti, Maldives, Papua New Guinea, and Seychelles enacted such laws; the Governments of Morocco, Namibia, and Tunisia drafted laws; and the Governments of The Bahamas, Liberia, and Maldives secured their first successful anti-trafficking convictions. Additionally, grantees continue to advocate for the passage of anti-trafficking legislation in the Republic of Congo.

101. International law enforcement cooperation also takes many forms. One such program involves collaboration between the Virtual Global Task Force, chaired by the Cyber Crimes Center in DHS/ICE, and 11 law enforcement agencies worldwide to prevent and prosecute trafficking, sex tourism, and pornography. Partners include law enforcement entities in Canada, Australia, UK, UAE, Italy, and New Zealand, Interpol, and Europol, as well as NGOs worldwide. Another recent initiative was the Global Alliance Against Child Sexual Abuse Online, launched in 2012 (see paragraph 47). In 2012, DOJ worked closely with Europol/European Cybercrime Centre (EC3) on a first-of-its-kind investigation that targeted three websites where child abuse images were traded. Cooperating with Dutch authorities, the FBI and DOJ identified the administrator of the sites in Omaha, Nebraska, seized the sites and, using a novel investigative technique, ascertained the true IP addresses of numerous users. Twenty-eight individuals were indicted in the United States, with 19 convicted to date; leads were also distributed around the world. Following this success, DOJ and EC3 developed a joint operation targeting the administrator and thousands of users of over 200 websites dedicated to the trade of child abuse images and operating on the Tor Network. This involved more than 70 law enforcement agents from over a dozen nations. The impact of this complex, technically sophisticated, multinational investigation was significant: more than 200 child sexual exploitation websites were taken offline, along with hundreds of other sites sponsoring or facilitating criminal activity; the activities of tens of thousands of online child pornographers were disrupted; over four million images and videos of child sexual abuse were seized; and dozens of offenders were identified and prosecuted globally.

102. Another international cooperative effort — the interagency Law Enforcement Working Group Trafficking in Persons Training Pilot Project — is designed to develop more actionable investigative leads originating from overseas concerning trafficking activity in the United States. Interagency teams comprising experienced special agents from DOS, DOJ, and DHS have provided human trafficking training to U.S. government employees stationed at 10 U.S. diplomatic missions abroad to help them identify trafficking in persons within the host country or region and refer actionable leads or information to DOJ, DHS, or DOS. As of November 2015, approximately 2,100 U.S. government employees had taken the training. In addition, in 2015 and 2016, U.S. experts are training foreign government law enforcement and NGOs, and federal judges are helping train foreign judiciaries, using training modules customized for the particular anti-trafficking

needs of host countries. This project ideally will result in further joint efforts to prevent trafficking of foreign victims into the United States, and the apprehension of foreign traffickers beyond the reach of U.S. law enforcement.

8. Ratification of the Optional Protocol on a Communications Procedure

103. On **Observation 52**, see CRC/C/OPAC/USA/3-4, paragraph 33.

9. Follow-up and Dissemination

104. On **Observations 53-54**, see CRC/C/OPAC/USA/3-4, paragraph 34.